

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYREE STOVALL,

Defendant.

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8:06CR416

ORDER

This matter is before the court on the motion to continue by defendant Tyree Stovall (Stovall) (Filing No. 17). Stovall seeks a cancellation of the plea hearing and continuance of the trial of this matter. Stovall's counsel represents that counsel for the government has no objection to the motion. Upon consideration, the motion will be granted subject to the filing of an affidavit by Stovall as required by NECrimR 12.1 **on or before February 20, 2007.**

IT IS ORDERED:

1. Stovall's motion to continue trial (Filing No. 19) is granted. Stovall shall file an affidavit as required by NECrimR 12.1 **on or before February 20, 2007.**

2. Trial of this matter is re-scheduled for **April 2, 2007**, before Senior Judge Lyle E. Strom and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 9, 2007 and April 2, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 9th day of February, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge